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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,698	10/29/2003	Christopher Wallace Willoughby	7261.3002.002	5274

59582 7590 07/21/2006

DICKINSON WRIGHT PLLC  
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BLOOMFIELD HILLS, MI 48304-2970

EXAMINER
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MORRISON, THOMAS A

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/696,698	<b>Applicant(s)</b> WILLOUGHBY ET AL.	
	<b>Examiner</b> Thomas A. Morrison	<b>Art Unit</b> 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 10-55 is/are pending in the application.  
     4a) Of the above claim(s) 22-55 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 10-18, 20 and 21 is/are allowed.
- 6) ☒ Claim(s) 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,985,264 (Shaw et al.).

Regarding claim 19, Figs. 1-12 show an apparatus for dispensing packages of medication (14) having dispensatory instructions thereon (see, e.g., column 3, lines 38-45), including

a body (19) having an internal cavity and an outlet (22);

an actuator (including 65) received in the cavity;

a feed mechanism (including 36, 60 and 62) having a pair of feed rollers (62) rotatable (i.e., capable of rotating) at one velocity and a pair of dispensing roller (60) rotatable (i.e., capable of rotating) at a greater velocity than the feed rollers (62), the feed mechanism being received in the cavity and in operable communication with the actuator (including 65) for feeding and dispensing the packages of medication toward the outlet (22);

a processing unit (Fig. 12) in operable communication with the actuator (including 65); and

a reading device (38) received in the cavity and in communication with the processing unit (Fig. 12), the reading device (38) relaying the dispensatory instructions on the packages to the processing unit (Fig. 12), the processing unit (Fig. 12) communicating with the actuator (including 65) and causing the feed mechanism (including 36, 60 and 62) to dispense each of the packages toward the outlet (22) at a specified time,

further comprising a power module (i.e., wires connected to element 65 in Fig. 12) operably connected to the actuator (including 65) and the processing unit (Fig. 12), the power module having at least one of a direct current power source and an alternating power source. It is the examiner's position that element 65 inherently operates based on some type of DC or AC power source, as claimed.

***Allowable Subject Matter***

2. Claim 1-8, 10-18 and 20-21 are allowed.

***Response to Arguments***

3. Applicant's arguments filed 5/1/06 have been fully considered but they are not persuasive. On page 16 of applicant's 5/1/06 amendment, applicant argues that

Claim 19 has been amended to more clearly define patentable subject matter over all the references, whether considered separately or in combination with one another. As amended, claim 19 defines an apparatus for dispensing packages of medication having dispensatory instructions thereon, and includes, among other things, a feed mechanism having a pair of feed rollers rotatable at one velocity and a

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pair of dispensing rollers rotatable at a greater velocity than the feed rollers. The feed mechanism is received in a cavity of the apparatus and in operable communication with an actuator for feeding and dispensing the packages of medication toward an outlet.

As discussed above in support of amended claim 4, Shaw et al., nor any of the other references cited, disclose an apparatus for dispensing packages of medication having a feed mechanism with a pair of feed rollers rotatable at one velocity, and having a pair of dispensing rollers rotatable at a greater velocity than the feed rollers, nor is there any suggestion within any of the references to do so.

In response, it is noted that claim 19 does **not** positively recite that the feed mechanism actually rotates the dispensing rollers at a greater velocity than that of the feed rollers. Rather, claim 19 recites that the dispensing rollers are "rotatable" (i.e., capable of rotating) at a greater velocity. Shaw et al. discloses a pair of dispensing rollers (60) that is rotatable (i.e., capable of rotating) at a greater velocity than a pair of feed rollers (62). Column 4, lines 10-17 and Fig. 8 of Shaw et al. disclose that a flange (59) of a medication package rotates the pair of dispensing rollers (60), and that the pair of feed rollers (62) acts to keep the medication package in vertical position. Fig. 8 of Shaw et al. shows that a portion (58) of the medication package does not always contact the feed rollers (62) and, therefore, does not always rotate such feed rollers. Rather, the medication package contacts the rollers (62) when the medication package is out of vertical alignment. Thus, the dispensing rollers (60) are capable of rotating (rotatable) at a greater velocity than the feed rollers (62), e.g., when the medication package rotates the dispensing rollers (60), and becomes disengaged from the feed rollers (62). With this scenario, the dispensing rollers (60) continue to be rotated, while the feed rollers (62) slow down.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

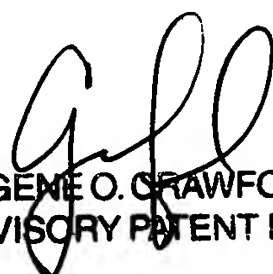
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

07/14/2006

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER